United States Department of the Interior

FISH AND WILDLIFE SERVICE
Fish and Wildlife Enhancement
Sacramento Field Office
2800 Cottage Way, Room E-1803
Sacramento, California 95825-1846

In Reply Refer To:
PN 198900218

July 25, 1991

Corps of Engineers
Attn: Regulatory Branch
650 Capitol Mall
Sacramento, California 95814-4794

Subject: PN 198900218, Department of Water Resources, Proposed Los Banos Grandes Project; Los Banos Creek, Los Banos, Merced County, California

Dear Sir:

As we have previously informed your staff, we have agreed to be a cooperating agency for the preparation of the Environmental Impact Statements (EIS) for the North Delta Program and the Los Banos Grandes Facilities. To assist you in your endeavors on Los Banos Grandes, we are providing a preliminary review of the Los Banos Grandes Draft EIR. In addition we are providing comments on Public Notice 198900218. These comments have been prepared under the authority, and in accordance with the provisions, of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

We find the Draft EIR deficient and strongly recommend that the document be revised to meet the requirements of an EIS. The following issues need to be discussed:

1. Alternatives

Additional alternatives (other than the proposed Los Banos Grandes Facilities) should be analyzed in the revised document. The analysis should include a wide array of structural and non-structural alternatives. It appears that the proposed Los Banos Grandes alternative is the most environmentally damaging alternative.

2. Urban Growth Inducement

The EIR states that this project has no growth inducing impacts based on an incorrect definition of growth inducement. Growth inducement due to supply of water does not require that alternative water supplies be unavailable. Growth inducement simply requires that this project's supply of water will facilitate growth; that is, that growth could not occur without this supply or some future supply of water. If this project is not constructed, the growth in question could not occur "but for" some other source of water. If that source

of water becomes available, mitigation will be required of that future provider for significant environmental effects. Therefore, the growth inducement impacts of this proposed project, as well as any alternative, needs to be adequately addressed. In fact, there are a number of proposed expansions in the area (proposed San Emidigo New Town Development, Semi Tropic Water Storage District et. al.) that appear to be anticipating the additional water and ground water that would be provided by the project.

3. Agricultural Facilitation

The EIR does not address the loss of habitat due to agricultural conversion of lands. Losses are expected due to direct water delivery to agricultural users and increased ground water supply to additional agricultural users. Existing uncultivated lands provide highly important habitat for eleven listed threatened or endangered species in the San Joaquin Valley. Loss of this habitat is occurring at the rate of 10,000 to 30,000 acres per year, primarily due to agricultural conversion. Agricultural conversions are exempt from regulation by state and county laws and regulations. Thus, increased conversion of wildlife habitat needs to be addressed in the draft EIS. U.S. Geological Survey data indicate that one continuous aquifer underlies the entire San Joaquin Valley. Friant Dam, the San Luis Unit and the other water supply sources (primarily east side) currently contribute significantly to the hydrologic gradient (head) necessary to maintain the water table at economical pumping depths throughout the valley floor, including the west side of the valley. The proposed Los Banos Grandes Project, by stimulating expansion of agriculture through the provision of surface water supplies, could result in increased demands and withdrawals from the groundwater table.

4. Cumulative Impacts

A complete analysis of cumulative Delta impacts needs to be made. The proposed Los Banos Grandes reservoir, North Delta and South Delta proposed projects, Kern Water Bank, and other projects and actions, including the proposed Article 10 wheeling arrangements, are being planned in a piecemeal fashion that precludes the identification and quantification of cumulative impacts. As previously recommended, a single environmental document tying together the components of what is essentially one large project is needed.

5. Mitigation

The Service cannot concur that the proposed mitigation is adequate or that the proposed sites are acceptable. The proposed mitigation plan is vague, ambiguous and conflicts with the draft Habitat Evaluation Procedures results and the Department of Fish and Game's analysis. The Service finds there is no current mitigation technology that would adequately compensate for the significant loss of sycamore alluvial woodlands and alkali wetlands. Since the potential to create these habitat types is highly questionable, we recommend that the Draft EIS analysis stress the avoidance of habitat impacts.

6. Endangered and Candidate Species

a. San Joaquin Kit Fox

The EIR significantly underestimates the effect of this project on the San Joaquin kit fox (*Vulpes macrotis mutica*). This is due to an underestimation of the habitat loss expected by the project and an inadequate plan to avoid bifurcation of the San Joaquin kit fox population.

The direct and indirect losses of habitat for the San Joaquin kit fox are not accurately represented in the EIR. This misrepresentation is due to the following omissions:

1) Potential kit fox habitat should be treated as known habitat because sufficient evidence to suggest that it is unoccupied is lacking.

2) Recreation areas within kit fox habitat should be considered a permanent loss of habitat for the entire area plus the surrounding area for a distance of 0.5 mile. The increased human use of such areas significantly reduces the use of these areas by kit fox.

3) This project would likely result in the loss of all San Joaquin kit fox habitat north of this project due to low population size resulting from isolation from the remainder of the population (see bifurcation discussion below).

4) Loss of habitat due to growth inducement and agricultural facilitation adjacent to the project and at greater distances should be addressed.

Due to the above omissions, the mitigation plan presented in the EIR would not compensate the loss of habitat for the San Joaquin kit fox resulting from this project.

Construction of this project would bifurcate the existing range of the federally endangered San Joaquin kit fox. Kit fox habitat in western Merced County is limited easterly by agricultural practices east of Interstate Highway 5 and westerly by increasing elevation of the inner Coast Range. Los Banos Grandes Reservoir would inundate a block of kit fox habitat that is approximately 4 miles wide (between Menjoulet Canyon and the oak-savannah on the west side of the project) and almost 10 miles long. In addition, about a 100 foot wide channel would be constructed between Los Banos Detention Reservoir and the California Aqueduct. These structures likely would preclude movement of kit foxes between the area north and south of the project. This document presents no plan to avoid bifurcation of the San Joaquin kit fox population.

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Habitat fragmentation is the leading cause of extinctions of populations worldwide. Bifurcation of the San Joaquin kit fox population may result in extinction of the population north of the project area because its population size would be too small to perpetuate itself. This loss represents approximately one fifth of the current range of the species. Extinction of the remainder of the San Joaquin kit fox population may also result from such a bifurcation, but a larger population size to the south would buffer against this effect.

b. Delta Smelt

Storage of additional water from the San Joaquin River system would decrease water available to the delta. The effects of this reduction on the delta smelt were not addressed in the EIR. We recommend that you address these effects because this species may be listed before construction of this project is complete.

c. Sensitive Plants

The current status of several plant species that may be in the project area is incorrectly noted in Table 4-14 of the EIR. *Caulanthus californicus* is federally listed as endangered, *Delphinium recurvatum* is a candidate category 2, *Amsinckia vernicosa* is a candidate category 3C, *Fritillaria agrestis* is a candidate category 3C, *Eriogonum vestitum* is a candidate category 3C, and *Plagiobothrys hystriculus* should be removed from the list. Two species to add to the list are *Atriplex cordulata* (candidate category 2) and *Hollisteria lanata* (candidate category 2). We recommend that you request an updated species list from our office to ensure that you consider the appropriate species. We further recommend that you treat candidate species of categories 1 and 2 as listed because they may be listed before completion of project construction.

The Arburua Ranch jewelflower (*Streptanthus insignis* spp. *lyonii*) is known only from the project area and locations nearby. This project, as planned, would inundate some populations of this species. We recommend that inundation of any populations of this species be avoided by reducing the water surface elevation of the proposed reservoir. The management area for sensitive species along the South Fork of Los Banos Creek would provide additional, needed protection for this species. Efforts should be developed to exclude grazing and recreational activities from this area.

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Because the proposed project is not the least environmentally damaging alternative, would adversely affect singular and high value wetlands, would have significant cumulative and growth inducing impacts, and would adversely impact federally listed and candidate species, the Service recommends against issuance of the permit.

Sincerely,

Wayne S. White
Field Supervisor
U.S. Department of
the Interior Coordinator

cc: Reg. Dir., (AFWE) FWS, Portland, OR
Dir., CDFG, Sacramento, CA
Reg. Mgr., CDFG, Reg. IV, Fresno, CA
S/SJEFRO, Stockton, CA
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Regional Water Quality Control Board, Sacramento, CA
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San Luis NWR, Los Banos, CA
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